

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)	
Certification to Conduct Gambling Activities of:)	NO. CR 2011-00305
)	
Charles E. Hill)	FINDINGS, CONCLUSIONS,
Toledo, Washington,)	DECISION, AND FINAL
)	ORDER IN DEFAULT
Class III Employee.)	

THE MATTER of the revocation of the certification to conduct gambling activities of Charles E. Hill having come before the Commission on May 13, 2011, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued certification¹ number 69-32258 to Charles E. Hill, authorizing Class III Employee activity, formerly with the Chehalis Confederated Tribes. The certification expires on January 9, 2012, and was issued subject to Charles E. Hill's compliance with the Chehalis Confederated Tribes Tribal/State Compact and state gambling laws and rules.

II.

On March 31, 2011, Director Rick Day issued administrative charges to Charles E. Hill, by certified and regular mail. Mr. Hill responded to the charges by waiving his right to a hearing and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

1) In January 2011, Charles E. Hill applied for and received a Class III Employee certification. In the Criminal History Statement section of his application, Mr. Hill disclosed a June 1993 "Domestic Violence" charge with a disposition of "6-23-93." Mr. Hill signed the Oath of Applicant declaring that, under penalty of perjury, his answers were true and he understood that untruthful or misleading answers are cause for denial of application or revocation of certification.

2) After Mr. Hill was issued a certification, a Commission Special Agent (agent) further investigated Mr. Hill's criminal history. The agent found that in 1993 Mr. Hill was convicted of

¹ Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

Third Degree Assault, a felony. Mr. Hill pushed his girlfriend, which resulted in injuries to her neck. Therefore, Mr. Hill misrepresented his criminal history on his application for certification.

3) The agent also discovered that Mr. Hill failed to pay court-ordered fines and fees from his Assault conviction. The last payment Mr. Hill made towards his court fines and fees was in May 2007, and he currently owes \$64,937 to Lewis County Superior Court. As a result, Mr. Hill has demonstrated willful disregard for complying with court orders.

4) Because he furnished misleading information on his application for state certification, Mr. Hill received a certification through fraud, misrepresentation, concealment or through inadvertence or mistake.

5) Mr. Hill poses a threat to the effective regulation of gambling or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities as demonstrated by his:

- a) Criminal history involving physical harm to a person;
- b) Misrepresentation of his criminal history on his application for certification;
- c) Willful disregard for complying with court orders; and
- d) Outstanding court fines and fees of \$64,937.

6) As a result of his actions, Mr. Hill has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1). Therefore, under Section V(C) of Chehalis Confederated Tribes Tribal/State Compact, RCW 9.46.075(1), (3), (4), (7), and (8) and WAC 230-03-085(1), (2), (3), and (8), grounds exist to revoke Charles E. Hill's certification.

Section V(C) of Chehalis Confederated Tribes Tribal/State Compact

The State Gaming Agency² may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when an applicant or holder of certification:

(The following subsections apply.)

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.

(2) Has failed to provide any information reasonably required to investigate the application for state certification or to reveal any fact material to such application, or had furnished any information which is untrue or misleading in connection with such application.

² Washington State Gambling Commission, as referred to in the Chehalis Confederated Tribes Tribal/State Compact, Section II (T).

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake.
- (4) Has been convicted of a crime, whether a felony or misdemeanor involving physical harm to individuals.
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.
- (8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (2) Has been convicted of or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Charles E. Hill's certification to conduct gambling activities under the authority of Chehalis Confederated Tribes Tribal/State Compact, RCW 9.46.075, and WAC 230-03-085.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Charles E. Hill's Class III Employee certification to conduct gambling activities is REVOKED.

DATED this 13 day of May, 2011.


JOHN ELLIS, Chair



MIKE AMOS



KEVEN ROJECKI, Vice Chair



MICHAEL REICHERT

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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